



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES JAN. 23, 1995

Chair Colman opened the meeting at 8:06. Present were board members Hengeveld, Chaput, LaLiberte and Yanofsky, Bill Holland of the *Mosquito* and Ken Harte of Carlisle.

Minutes of Jan. 9, 1995 were approved as amended on a motion by Hengeveld seconded by Chaput. Chaput, Hengeveld, LaLiberte and Colman voted in favor; Yanofsky abstained. The minutes of Dec. 19, 1995 were unavailable. Bills were approved for payment as presented.

SROSC regs The board discussed final changes in the draft regs. Several significant issues were discussed. First, the board considered what information would be required for the proof plan. The board noted that neither Health nor ConsCom had commented on that section of the regs which required lots be approvable by other boards, but which gave no details. The discussion compared SROSC to cluster, where a proof plan is also used. Members sought a balance between allowing any lot which could be laid out by zoning regardless of soils and wetlands, and asking so much detailed information that applicants will decide not to use the bylaw. At issue also were whether ConsCom and Health can offer an informal opinion on a plan not before them, and whether a discussion among staff could provide that link instead. Members realized that predictability of cost is important in allowing applicants to decide to use the bylaw, so that making this section optional (in whatever form it eventually takes) would perhaps be counterproductive. It was agreed finally that the requirement will be the delineation of wetlands by a certified botanist, and deep test holes, unless such delineation or tests are not necessary.

The second issue was the striking of the Carlisle residency requirement in the description of the homeowners' agreement. Members agreed that the board, though it intended in general for the bylaw to be used on behalf of Carlisle citizens, could not mandate that. At 9:00, Colman continued the discussion until after the two scheduled public hearings.

Public hearing: special permit for an accessory apartment for James and Jane Slattery at 289 Russell St. Colman opened the hearing at 9:05 by reading the text of the public notice and announcing its publication and circulation dates. Present were board members Chaput, Hengeveld, LaLiberte and Yanofsky, applicants Jane and James Slattery, Holland of the *Mosquito* and Ken Harte. The board noted they'd received copies of a letter from Slattery dated Dec. 21, 1994, a letter from Dr. Picard of 343 Russell St. dated Jan. 9,

1995, a memo from the planner assistant dated 1/11/95, which reviewed the application for conformance with the bylaw and the regs, and a copy of the plan drawn by Slattery locating abutting homes. Expressing concern regarding the protection of neighborhood stability, property values, and the preservation of the single family character of the neighborhood, the board asked about the parking provisions, the architectural plans, the wetlands, and the view from abutters' homes. Slattery demonstrated on his plan the general direction of abutters' homes from the closest point on his foundation and approximate distances to them. He also demonstrated photos taken from the foundation toward the abutters' homes, an aerial photo of the area, the architectural plans and the site plan (which was the sewage disposal plan, showing the location of all structures in relation to the wetlands). Slattery stated that the home, under construction, has four bedrooms, and that the apartment added a fifth; he had received a permit from Health to expand the septic system to accommodate the fifth bedroom. He explained that the family's seven cars would be parked in the three car garage and the five car turnout, leaving room in the turnout for the car belonging to his mother-in-law, whom he expects to use the apartment. The board asked him to demonstrate on his house location plan the location of Picard's house. The board asked the location of the wetlands; those were shown on the sewage disposal plan being used as a site plan. It was noted that the house is outside of the buffer zone, the apartment is entirely inside the house, and it is entered on the side of the house farthest from the wetland buffer. Slattery noted that the entrance to the apartment is at a location where the grade drops approximately one story, so that the impact is further minimized. Slattery described the history of the wetland permit. The planner assistant stated she'd discussed the apartment with the ConsCom administrator, who said that, as the apartment is within the footprint of the house and the vernal pool mentioned by Picard has not been certified, she felt the ConsCom would have no further jurisdiction over the project.

The board asked the planner assistant how many apartments had been previously approved; the answer is six. The board discussed the layout and size of the apartment relative to the principal residence, and questioned whether there were common areas which might need to be added to the calculation of the area of the apartment. Slattery demonstrated that the apartment is isolated in the basement; even the stairway to the first floor is in another part of the basement.

Colman asked for public comment; there was none. Chaput moved, and Yanofsky seconded the motion, that the hearing be closed; all were in favor. LaLiberte moved, and Hengeveld seconded the motion, that the application met the purposes of the bylaw and that it be approved subject to the usual conditions. Chaput, Hengeveld, LaLiberte, Yanofsky and Colman were in favor; member Evans, who had arrived shortly before the vote, abstained.

Public Hearing on the amendment of a special permit for common driveway for Ballantine at 1127 north Rd. Colman opened the hearing at 9:40 by reading the notice of the hearing and describing its publication and circulation dates. Present were board members Chaput, Hengeveld, Evans, LaLiberte, and Yanofsky, applicant Ballantine, Holland of the *Mosquito* and Ken Harte of Estabrook Rd. The board noted that the application seeks to amend a plan approved in 1984 which has been fully constructed. The

board noted receipt of a plan entitled "Plan of Land in Carlisle, Mass. (Middlesex County) for John Ballantine" by Stamski and McNary, dated Dec. 5, 1994 and amended Jan. 19, 1995, a draft amendment to the originally approved covenant called "Grant of Easements and Restrictions and Modification of Declaration of Restrictive Covenants", and memos from the planner assistant dated Jan. 5 and 11, 1995. Evans, Hengeveld, LaLiberte and Duscha had walked the site on Jan. 15, 1995.

Ballantine explained that the amendment changes nothing on the ground, but rather, because of changed lot lines and the potential development of the fourth lot for which the original permit had been granted, proposes to change the plan by extending the easement for the common drive to include approximately 220 feet of the existing private drive which currently extends from the end of the common drive to serve lot 5A. This extension will protect the natural environment and the character of the neighborhood because it prevents the alternative development plan for access to lot 36-12.03C, which would be a second private drive paralleling the first one accessing lot 5A, and instead, requires no new construction (except a very short private drive from the newly established common drive extension to lot 36-12.03C. In addition, because the ANR endorsed by the board in October 1994 shows different interior lot lines, the plan needs to be modified to show those, and the homeowners' covenant needs to be modified. The modifications to the covenant, which has been reviewed by the planner assistant after her memos were written, amends the originally approved document by specifying different proportions of responsibility among the current owners and adds a description of responsibilities for a tree planting easement on lot 36-12.03C.

Board members who had walked the site reported a private drive, at the 220 foot portion proposed, which is adequately constructed and maintained to serve as a common drive, the surface being well maintained compacted stone and stone dust laid 14 feet wide. The easement on the lot 6-A side is also flat and open. Turnouts in the form of private drives will be two, adequately spaced. The existing private drive for lot 5-A was constructed under an Order of Conditions from Conscom; the 220 foot portion appears to be outside the 100 foot buffer. The total length of the new common drive, including the 220 feet, will be approximately 850 feet.

The board discussed waivers to the regs which would be appropriate to grant as this plan and covenant are amendments to the original ones and relate to construction which already exists under that permit. The board reviewed the list provided by the planner assistant in her Jan. 11, 1995 memo and agreed to grant them.

There being no comment from the public, Yanofsky moved and Chaput seconded that the hearing be closed. All members were in favor. There being no further discussion, Evans moved, and LaLiberte seconded, that the amendment to the common drive plan and covenant for 1127 North Rd. was in keeping with the purposes of the common drive bylaw (Section 5.4 of the zoning bylaw), the regulations for common driveways, and with the required findings of Section 7.2.1 of the zoning bylaw, and that the special permit amendment be granted with the condition that an executed covenant be submitted to the planner assistant and that all usual conditions be met. Chaput, LaLiberte, Yanofsky, Hengeveld, Evans and Colman voted in favor.

Hearing on amendments to common drive regs and special permit fee structure The board agreed to set a hearing date for March 13, 1995, and to advertise the hearing as is customary in Carlisle. The planner assistant was asked to provide an account of the amount of time spent by her on each of the special permit types. Colman reminded board members that he had distributed draft amendments to the common drive regs, and asked for their comment.

Discussion regarding request for Tall Pines subdivision extension Bill Costello met with the board to reiterate his request that the board consider granting a 30-36 month extension to the approval which expires May 31, 1996, and to determine whether the board will require a public hearing. Hengeveld recused herself. Mary Bruce and Ruth Toscano of Fiske St. asked the board to consider whether the waivers granted in the original approval would be granted today, and commented that they are concerned about the environmental impact of the development on their properties. Toscano commented that she feels there is public misinformation and confusion about the status of the subdivision, and therefore there should be the opportunity for more public discussion. The board noted that neither state law nor local regs require a hearing for extension of a subdivision approval, and also noted that the public hearing process is an expensive one. Members understood, though, that there is confusion, and therefore asked the planner assistant to prepare an announcement for the *Mosquito* which would notify the public that the board will discuss the extension at an early hour at the meeting of February 13.

SROSC regs, continued The board clarified that Section 3.14.5.2 is meant to apply to the calculation of 3% of constructed dwelling units in the town, which under the bylaw, may not be exceeded by SROSC units.

Reference to the pertinent section of the bylaw will be inserted to clarify.

Regarding counsel Cutler's comment that she doesn't understand why we want the special permit plan to be endorsed, the board agreed to continue this Carlisle practice. As to her comment that the 60 days to record or lapse of permit in Section 4 is contrary to MGL Ch. 40-A, the board agreed to require the 60 day recording limit but to strike the provision for lapse if this is not done. The board agreed to the clarifications suggested by LaLiberte in the sections on consultation and preliminary review. There will be no fee for consultation with the planner assistant or the board. Yanofsky suggested that the application form or a cover letter to be included in the regs should make an attempt to spell out for prospective applicants the formulae used in the bylaw so that they can quickly and independently determine whether the bylaw will be usable for them. The board agreed to draft a letter, which is not officially part of the regs, to be added later. Harte asked if the review fees will be waived for the Malcolm application. The board affirmed the fees

need to be required so that Landtech, the board's consulting engineers, can review all applications, even the one for Malcolm. Harte and the board discussed the possible application schedule for the Malcolm project, and explained in answer to his question that the 65 days to the date of the public hearing is a maximum, not a minimum, and that the board usually can and does schedule the hearing sooner. However, as this is a new process for all involved, the board predicted the process will not be a swift one. Yanofsky moved, and Chaput seconded, that the draft rules and regulations for SROSC special permit dated 1/23/95, as amended this evening, be adopted. Chaput, Hengeveld, Yanofsky, LaLiberte, Evans and Colman voted in favor. The board offered its congratulations and special thanks to the subcommittee of Colman, LaLiberte and Hengeveld, with special thanks to the keeper of the drafts, LaLiberte.

Budget and use of planner assistant The board members agreed that the predicted increase in regulatory work would require that the planner assistant's time be devoted to these matters. Yanofsky will attempt to discover if there is any amount of money which can be used for a clerical aide to work on compiling Master Plan data in this year's budget.

The meeting was adjourned at 11:50.

Sandy Bayne, Planner Assistant